

## **REMARKS**

Claims 1, 2, 4, 39, 42, 46, 48, 50-52, 54, and 57 have been amended. Claims 18-21 have been canceled. Accordingly, Claims 1-5, 7-14, 25, 30, 33, 35, 39, 42 and 44-57 are currently pending in this application. As discussed below, Applicant respectfully submits that all the pending claims are in condition for allowance.

### ***Discussion of Claim Amendments***

Claims 1, 2, 4, 39, 42, 46, 48, 50-52, 54, and 57 have been amended. The amendments to the claims are supported, for example, by the specification in at least pg. 15-16 and corresponding Fig. 5. No new matter is added by the amendments. Entry of the amendments is respectfully requested.

### ***Claim Rejections – 35 U.S.C. § 101***

Claims 48, 49, and 51 are rejected under 35 U.S.C. § 101 as covering “transitory signals ... which falls into a non-statutory subject matter.” *Office Action*, p. 2. In order to expedite prosecution, Applicant has amended Claims 48, 49, and 51 to add the limitation “non-transitory,” as suggested by the Examiner. Accordingly, Applicant respectfully requests the rejection be withdrawn.

### ***Claim Rejections – 35 U.S.C. § 103***

Claims 1-4, 5, 7-12, 14, 18, 25, 30, 33, 39, 40, 42, 44, 46-49, and 52-57 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Publication 2001/0034228 (“Lehtovirta”), in view of U.S. Publication No. 2001/0024443 (“Alriksson”), and further in view of U.S. Patent No. 6,047,331 (“Medard”). Claims 13 and 45 were rejected under 35 U.S.C. § 103 as being unpatentable over Lehtovirta, Alriksson, and Medard, and further in view of U.S. Publication No. 2004/0081086 (“Hippelainen”). Claims 19-21, 35 and 41 were rejected under 35 U.S.C. § 103 as being unpatentable over Lehtovirta, Alriksson, and Medard, and further in view of U.S. Pat. No. 5,390,326 (“Shah”). Claim 30 was rejected under 35 U.S.C. § 103 as being unpatentable over Lehtovirta, Alriksson, and Medard, and further in view of U.S. Pat. No. 6,578,085 (“Khalil”). Claims 50 and 51 were rejected under 35 U.S.C. § 103 as being unpatentable over Lehtovirta in view of Medard.

To establish a *prima facie* case of obviousness the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 985 (CCPA 1974); *see also* M.P.E.P. § 2143.03. Additionally, there must be “a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). It is respectfully submitted that none of the cited art, either alone or in combination, teaches or suggests all the claim limitations of amended Claim 1 as further discussed below.

Claim 1 recites, *inter alia*, an end node “receiving at the end node, via a first network node, a fault signal indicating a network node fault of a second network node that is different than the first network node; [and] determining, at the end node, using said generated list, if the second network node is a network node that is used in routing signals to or from said end node.” The references cited in the Office Action at least fail to teach or suggest at least these elements, let alone the combination of these elements as included in Claim 1 as a whole.

The Office Action states that Lehtovirta discloses “receiving a fault signal (N\_RESET) indicating a network node fault (the N\_RESET message is used to indicated a partial fault in PSCN 20; see paragraph 0048 and figure 12).” *Office Action*, p. 3. The Office Action further states that Lehtovirta discloses “determining if the network node fault (partial fault) corresponds to a network node (a PSCN 20 node; see paragraph 0020 and figure 12) that is used in routing signals (RAB signals; see figure 12) to or from the end node (UE 30; see figure 12. The N\_RESET message contains a list of IP addresses in the PSCN 20 that have failed; see paragraph 0048 and figure 12).” *Office Action*, p. 3. The PSCN 20 therefore determines which devices are affected by the fault in the PSCN 20 and sends a message to the affected devices, including the UE 30, to indicate to the affected devices that a fault has occurred.

Lehtovirta does not disclose that an end node, characterized by the Office Action as UE 30 in Lehtovirta, determines “if the second network node [for which a fault signal was received] is a network node that is used in routing signals to or from said end node,” as recited in Claim 1. At least one advantage provided by at least one embodiment of Claim 1 includes the ability for the end node to receive fault signals for any device and determine for itself whether the end node is affected by a fault in the device for which a fault signal was received. This allows the fault determination to be distributed rather than reliant on a signal node (i.e., the PSCN 20) to

determine which devices are affected by a fault and send a message that specifically indicates the affected device. Thus, Lehtovirta fails to disclose “receiving at the end node, via a first network node, a fault signal indicating a network node fault of a second network node that is different than the first network node; [and] determining, at the end node, using said generated list, if the second network node is a network node that is used in routing signals to or from said end node,” as recited in Claim 1. Further, Medard does not cure this deficiency.

Medard discloses a number of nodes physically linked to each other. Col. 9, ll. 18-29. In some instances the nodes have a direct physical link, while in others the nodes are physically linked via a third node. Col. 9, ll. 31-43. Each node comprises a protection switching module 18, which is capable of detecting link failures by the absence of appropriate flow over a direct link 20 between the node and another node. Col. 10, ll. 31-33. For example, node 12a may detect a failure of link 20a that is between node 12a and 12b directly due to absence of flow on the link. The node 12a may therefore use a different link than the link 20a to communicate. Thus, as taught by Medard, nodes at best monitor signals for direct connections held by the nodes to determine whether a connection is active or not. Medard fails to disclose “receiving at the end node, via a first network node, a fault signal indicating a network node fault of a second network node that is different than the first network node,” as recited in Claim 1, as Medard fails to teach that the nodes receive information about faults in one node from another node. Therefore, Medard does not and cannot teach “determining, at the end node, using said generated list, if the second network node is a network node that is used in routing signals to or from said end node,” as recited in Claim 1, since Medard does not teach information is received about a second network node as claimed. Further, Medard does not disclose how such information about a second network node, if received by a node 12a via a first network node would be used with a generated list to perform such a determination. Medard instead merely teaches that if any connection at a node is no longer available, to use a new connection, and does not teach determining at the end node that some connections will affect communications and some connections will not. Thus, even if combined, Lehtovirta and Medard fail to teach or suggest all of the elements of Claim 1.

Alriksson fails to cure the deficiencies of Lehtovirta and Medard. Alriksson discloses a node with a routing table. Para. [0106]. Alriksson does not disclose “receiving at the end node, via a first network node, a fault signal indicating a network node fault of a second network node

that is different than the first network node; [and] determining, at the end node, using said generated list, if the second network node is a network node that is used in routing signals to or from said end node,” nor does the Office Action rely on Alriksson, Lehtovirta, and Medard nor does the Office Action use the remaining references in such a manner. Thus, Alriksson, Lehtovirta, Medard, and every other reference cited in the Office Action fails to teach or suggest all the elements of Claim 1.

For at least the foregoing reasons, Applicant respectfully submits that Claim 1 is patentable. Independent Claims 39, 42, 46, 48, 50, 51, 52, and 54, recite similar subject matter as Claim 1, and are also submitted to be patentable for at least the same reasons. Claims 2-5, 7-14, 25, 30, 33, 35, 44, 45, 47, 49, 53, and 55-57 depend from the above mentioned independent claims and are believed to be patentable for at least the same reasons, and for the additional matter recited therein. For the foregoing reasons, Applicant respectfully requests that the rejections of Claims 2-5, 7-14, 25, 30, 33, 35, 44, 45, 47, 49, 53, and 55-57 should be withdrawn.

#### ***No Disclaimers or Disavowals***

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

#### **CONCLUSION**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of the present application are

respectfully requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

No fees are believed due in connection with the present submission. However, if it is determined that fees are due, the Commissioner is hereby authorized to charge payment of any fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 17-0026. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a).

Respectfully submitted,

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